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8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 vs.

14 JOSE R. DELGADO, JR.,
15

16 Defendant.

Citation No. 2:19-mj-961-EJY

**Government's Motion to Dismiss the
Petition for Action on Conditions of
Pretrial Release and Quash the Warrant**

17 **Certification: This motion is timely filed**

18 The government moves for leave of Court to dismiss the petition against Jose R.
19 Delgado Jr. and quash the associated warrant. The petition alleges that Delgado violated the
20 terms of his pretrial release and a warrant has been issued on the basis of the petition.

21 The government has learned that Delgado is currently incarcerated in a separate State
22 matter (Case No. C-20-348290-1) and has been since approximately February 18, 2020.
23 Delgado received a total aggregate sentence of 60-144 months imprisonment in his State
24 matter and is currently serving that sentence.

1 An Information has also been filed against Delgado arising out of the same facts in the
2 instant case and that case is currently assigned to Magistrate Judge Nancy J. Koppe. *See* Case
3 No. 2:20-cr-012-KJD-NJK. The parties have reached a plea agreement in that case and are in
4 the process of securing Delgado's appearance in front of Judge Koppe for the purpose of
5 entering a guilty plea. Judge Koppe has informed the parties that she wishes to have the
6 instant petition dismissed and warrant quashed before setting the matter for change of plea.

7 Accordingly, in order to set this matter for a change of plea and resolve the matter, the
8 government is moving for leave of Court to dismiss the instant petition without prejudice and
9 quash the associated warrant.

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11 **DATED** this 18th day of January, 2022.

12 Respectfully submitted,

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14 CHRISTOPHER CHIOU
Acting United States Attorney

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16 /s/ Christopher Burton
CHRISTOPHER BURTON
Assistant United States Attorney
District of Nevada

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19 **IT IS SO ORDERED.**

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21 Raymond J. Zouchak
U.S. MAGISTRATE JUDGE

22 **Dated: January 19, 2022**
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